

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

70

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/335,129 06/17/99 HAMILTON

C 024/1

┌

WM02/0917

└

EXAMINER

KAPLAN & GILMAN LLP  
900ROUTE 9 NORTH  
WOODBIDGE NJ 07095

RAMAKRISHNAIAH, M

ART UNIT

PAPER NUMBER

2643

DATE MAILED:

09/17/01

14

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

xy

# Office Action Summary

Application No.

09/335,129

Applicant(s)

Chris Hamilton

Examiner

Melur. Ramakrishnaiah

Art Unit

2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 20, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

Art Unit: 2643

*Claim Objections*

1. Claim 12 is objected to because of the following informalities: claim 12 depends on claim 12.
12. Appropriate correction is required.

For purpose of the examination, it is assumed that claim 12 depends on claim 1.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 7-9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (US PAT: 5,841,469, hereinafter Freeman) in view of Guskin (US PAT: 4,787,012).

Regarding claims 1, 7, Freeman discloses audiovisual telecommunication method and apparatus using a digital network comprising: a monitor (60) (fig. 2), means connected to the monitor for displaying one or more video images from one or more remotely located conferees (col. 6 lines 11-15), a housing within which the monitor is contained, at least one lighting means contained within the housing, the lighting means being activatable when a video conference is occurring (col. 5 lines 1-9, col. 7 lines 24-29), keypad means for facilitating entry of information by a user for arranging, exiting, and changing parameters of a video conference (col. 4 lines 8-33),

Art Unit: 2643

audio means for conveying an audio signal from one or more conferees, a camera means mounted within the housing and directed towards a user of the video conference station (col. 4 lines 24-27), and payment means for activating the monitor, the audio means, the lighting means, the camera and keypad means upon entry of payment (col. 6 lines 19-26), an outer casing (col. 5 lines 3-7), display means (60, fig. 2), lighting means (col. 5 lines 7-9), and a video camera (col. 4 lines 24-27), all being mounted within the outer casing, the video camera and the lighting means, the display means being viewable from the same area (col. 5 lines 16-32), activating means for activating display means, the lighting means, and video camera upon request by a user (fig. 2 col. 2 lines 20-26, col. 6 lines 16-32, col. 7 lines 24-29).

Freeman differs from the claimed invention by not explicitly teaching plural lighting means being cluttered and directed towards the same area.

However, Guskin discloses a method and apparatus for illuminating camera subject which teaches the following: plural lighting means (18, figs. 1-2) being cluttered and directed towards the same area (14, col. 2 lines 17-24).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Freeman's system to provide plural lighting means being cluttered and directed towards the same area as this arrangement would facilitate the illumination of the user as taught by Guskin (col. 2 lines 1-3, lines 35-39), the advantage being to obtain a clear picture of the user to be sent to the receiving side so that the receiver can display good quality picture on his display for satisfactory video telephone communication between the users.

Art Unit: 2643

Regarding claims 3, 8-9, Freeman further teaches the following: payment means is credit card reading device (30) (fig. 2, col. 2 lines 51-53), monitor comprises means (110) for displaying plural images, one from each of the plurality of other conferees (col. 6 lines 12-15), keypad means for entering data, keypad means comprises means for generating DTMF tones (col. 4 lines 8-11).

Freeman differs from the claims 11-15 in that he does not explicitly teach the following: lighting means comprises plural lights, plural lights comprises two lights, camera is mounted in the housing substantially between plural lighting means, camera means is mounted within the housing to a location substantially between the two lights, and video camera and the plural lighting means are clustered such that video camera in an area substantially surrounded by the lighting means.

However, Guskin teaches the following: lighting means comprises plural lights (18, figs. 1 and 2), plural lights comprises two lights (18), camera (reads on 12) is mounted in the housing substantially between plural lighting means, camera means is mounted within the housing to a location substantially between the two lights, and video camera and the plural lighting means are clustered such that video camera in an area substantially surrounded by the lighting means (col. 2 lines 1-24).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Freeman's system to provide for the following: lighting means comprises plural lights, plural lights comprises two lights, camera is mounted in the housing substantially between plural lighting means, camera means is mounted within the housing to a location substantially between the two lights, and video camera and the plural lighting means are clustered

Art Unit: 2643

such that video camera in an area substantially surrounded by the lighting means as this arrangement would facilitate the illumination of the user as taught by Guskin (col. 2 lines 1-3, lines 35-39), the advantage being to obtain a clear picture of the user to be sent to the receiving side so that the receiver can display good quality picture on his display for satisfactory video telephone communication between the users.

4. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Guskin as applied to claims 1 and 7 above, and further in view of Sokal et al. (WO 97/14118, hereinafter Sokal ).

Regarding claims 2 and 10, the combination teaches activating means operates in response to payment received by the payment means (30, fig. 2 of Freeman) (col. 2 lines 54-67 of Freeman), but it does not teach payment means for accepting a credit card.

However, Sokal teaches payment means for accepting credit card (fig. 2 page 7 lines 7-13).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for means for payments by the credit card as this would provide choices for the user for payment to suite his convenience as taught by Sokal.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Guskin and Sokal as applied to claim 2 above, and further in view of Fujizu (JP402119390A).

Art Unit: 2643

Regarding claim 4, the combination teaches use of lighting where conferencing terminal (10) is located (col. 5 lines 3-9 of '469 patent), but does not explicitly show that lighting means are disposed below the monitor.

However, Fujizu discloses video telephone set with lighting means (2) disposed below the monitor (fig. 2, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide lighting means disposed below the monitor to obtain the best lighting condition to take picture of video conferee as taught by Fujizu.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Guskin, Sokal and Fujizu as applied to claim 4 above, and further in view of Ishikawa (US PAT: 6,038,602, filed 4-30-1997).

Regarding claims 5-6, the combination does not teach the following: monitor is connected to a network server by means of: telephone line, data connection.

However, Ishikawa discloses connection method for a network system and server computer that shows monitor connected to a network server by means of: telephone line, data connection (fig. 1, col. 6 lines 43-60, col. 8 lines 17-37).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for monitor that is connected to a network server by means of: telephone line, data connection as this would enable to use Internet for conferencing at an economical rate.

Art Unit: 2643

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)



Art Unit: 2643

**Or:**

(703) 305-9508 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

  
Melur. Ramakrishnaiah

PATENT EXAMINER

Art Unit 2643.